

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SW ARGYLL INVESTMENTS, LLC
(d/b/a/ ARGYLL INVESTMENTS, LLC),
JAMES T. MICELI, DOUGLAS A.
MCCLAIN, JR., AMERIFUND
CAPITAL FINANCE, LLC, and
JEFFREY SPANIER,

Defendants.

Case No.: 3:12-cv-0646-L-KSC

**ORDER GRANTING PLAINTIFF'S
MOTION FOR JUDGMENT [Doc.
81]; AND FINAL JUDGMENT AS TO
DEFENDANT JEFFREY SPANIER**

**FINAL JUDGMENT AS TO
DEFENDANT JEFFREY SPANIER**

The Securities and Exchange Commission having filed a Complaint and Defendant Jeffrey Spanier ("Spanier") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)] by, without being registered with the Commission as a broker or dealer or an associated person of a broker-dealer, acting as a broker or dealer and making use of the mails or any other means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
2 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following
3 who receive actual notice of this Final Judgment by personal service or otherwise: (a)
4 Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in
5 active concert or participation with Defendant or with anyone described in (a).

6 II.

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
8 Defendant Spanier is liable for disgorgement of ill-gotten gains and prejudgment interest
9 thereon of \$2,057,185.29. This amount shall be deemed satisfied by the judgment entered
10 in *U.S. v. Spanier*, 3:16-cr-01545-BEN (S.D. Cal.) ("*U.S. v. Spanier*") (Docket No. 192),
11 which orders Defendant to pay restitution of \$20,669,379.98.

12 III.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of
14 Defendant Spanier is incorporated herein with the same force and effect as if fully set forth
15 herein, and that Defendant shall comply with all of the undertakings and agreements set
16 forth therein.

17 IV.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
19 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11
20 U.S.C. §523, the allegations in the Complaint are true and admitted by Defendant Spanier,
21 and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts
22 due by Defendant under this Final Judgment or any other judgment, order, consent order,
23 decree or settlement agreement entered in connection with this proceeding, is a debt for the
24 violation by Defendant of the federal securities laws or any regulation or order issued under
25 such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C.
26 §523(a)(19).

27 V.
28

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall
2 retain jurisdiction of this matter for the purposes of enforcing the terms of this Final
3 Judgment.

4 VI.

5 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of
6 Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without
7 further notice.

8 **IT IS SO ORDERED.**

9 Dated: May 15, 2019

10 
11 Hon. M. James Lorenz
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28